

MINUTES
TOWNSHIP OF WEST ORANGE
PLANNING BOARD MEETING
August 9, 2023 7:30 P.M.

The Township of West Orange Planning Board held its special meeting on August 9, 2023 at 7:30 P.M. via virtual ZOOM videoconference.

Chairman Bagoff called the meeting to order at approximately 7:30 P.M. He announced that notification of the meeting was given to the Township Clerk, and posted on the Township Bulletin Board, sent to the West Orange Chronicle and the Star Ledger, and posted on the Township's website calendar. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act. No new matters will start after 10:30 P.M.

PLEDGE OF ALLEGIANCE

- *Chairman Bagoff* requested all persons stand for the Pledge of Allegiance.

ANNOUNCEMENTS

- The next Planning Board regular meeting will be held **Wednesday September 6, 2023 at 7:30 P.M.**

ROLL CALL

PRESENT: Dr. Robert Bagoff; Mr. William Wilkes; Mr. Ken Alper; Mr. Jerry Guarino; Mr. Christopher Morgan, Sr.; Mayor Susan McCartney; Mr. Peter Smeraldo; Councilwoman Tammy Williams; Mr. Sal Jensen; Mr. Cardoza;

ABSENT: Mr. Lee Klein

ALSO PRESENT: Diana P. McGovern, Esq., Planning Board Attorney;
Paul Grygiel, Town Planner;
Mr. John Hess, Board Engineer;
Jamilet Baquerizo Vite, Acting Planning Board Secretary

MINUTES & RESOLUTIONS

SWEARING IN

- The Township Professionals *Mr. Paul Grygiel, Township Planner and Mr. John Hess* were sworn in.

APPLICATIONS

- **PB-23-08 The Library of New Jersey, Inc.**
Block: 120.01; Lots: 24 & 26; Zone: B-1
1&5 Washington Street
The Applicant seeks to renovate approximately 2,500 square feet of the interior of the Building's commercial space into a Class 5 Cannabis Adult Recreational Retail Dispensary (Micro).

PRESENTATION

- The attorney Cameron MacLeod entered on the record on behalf of the applicant.
- Mr. MacLeod introduced security expert Jim Sherrard he entered on the record, was sworn under oath and his credentials were accepted by the board.
- Mr. MacLeod's testimony was as follows:
- The footprint of the site is 2,500 square foot space and will operate during regular business hours from 8:00AM to 7:00PM.
- The premises will meet the lighting requirements and will not bother the surrounding neighbors.
- There will be 16 parking spaces on site, in which they expect to only use 6 or 7 and the additional could be used for online ordering or express lanes.
- Every person that comes into the facility will be checked by security. The intention of the applicant is to have armed security for safety reasons.
- Deliveries will take place in the front of the building; the deliveries will come in randomly in nondescript vehicles. No product is destroyed on site, it will be sent back to the third party for destruction of the product while it is being monitored in real life.
- The US armed security would be first in and last out of all the employees of the building. The security will be trained in first aid and security operations. The panic button will be used only during extreme situations.
- The applicant will install a backup generator which will run all security operations and limited lighting in the event of a power outage. The facility will still be able to maintain its security barrier, have cameras up and operational, which is a CRC requirement and have their alarm systems intact and operational.
- There is a recycling and trash enclosure on the northeast side of the property. The employees will wheel out the trash to the curb for pick-up.
- They will be utilizing IR cameras and all the lighting will be within the boundaries of the site.

BOARD QUESTIONS

- Chairman Bagoff asked if there will be external cameras. Mr. Sherrard answered in the affirmative and it will have 24-hour surveillance that is required to have at least 30 days of backup.

- Council president Williams asked what is the square footage of the building. Mr. Sherrard said it is 3,380 square feet.
- Mr. Alper asked to go over the interior operations when a customer first reaches the front door. Mr. Sherrard said that the customer will go in the front door and the customer will go through age verification to make sure the customer is over 21 years old, after that the customer is able to enter to the sales floor, so the customer can legally be able to purchase cannabis. The security personnel or staff will use a device that will scan the document to make sure is valid.
- Mr. Alper asked if Mr. Sherrard is worried about the security for the building due to the crime issues surrounding the area. Mr. Sherrard said that it's a well-lit, well secure building, it's going to be one of your most secure facilities in the city and it's just designed to look like a retail facility.
- Chairman Bagoff asked how many people are allowed within the front of the house at one time. Mr. Sherrard said that it would be whatever the fire code allows.
- Mr. Morgan asked what are the biggest liabilities in this facility. Mr. Sherrard said that it's a retail operation, so whatever vulnerabilities retail operations have. He stated that the advantage is they have three-layer security around the perimeter, around the interior and around the vault, so it reduces it and basically makes it very minimal. They have measures in the facility in the event something happens to notify the police to ensure order, since there is armed security. The facility is protected by video surveillance and intrusion alarms, so it basically reduces the threat level to the facility.
- Mr. Morgan asked how often will they review the security plan. Mr. Sherrard said that after all security is installed, he will do a walkthrough to make sure that everything is in regulation and secure.

PROFESSIONAL QUESTIONS

- Mr. Hess asked if the parking lot will be lit during winter hours. Mr. Sherrard answered in the affirmative; it will meet or exceed the Township requirements.
- Mr. Hess asked where will be the emergency generator be located and if it will comply with the local and state noise. Mr. Sherrard said that it could be in the rear of the building or it could be on the roof of the building, whatever the Township requires. He said that in regards the noise, they will collect noise data from the manufacturers so they can choose one that complies with the states noise regulations.

PUBLIC QUESTION

- Mr. Paul Peterson at 174 Watchung Avenue asked how do you secure the neighborhood. Mr. Sherrard said that the facility is not going to create any issues.
- Mr. Harvey Lott at 200 Watchung Avenue asked if the applicant can assure that crime will not arise in the surrounding neighborhood. Mr. Sherrard said that the advantages of having this facility is that the Police Department can monitor the facility in real time meaning they can pull the cameras up and watch transactions and they can pull the cameras up and look in the parking lot. Mr. Sherrard performs surprise inspections at facilities and the CRC does monthly inspections at the facilities. He said that they also do quarterly inspections and annual inspections.
- Mr. Lott asked if there are repercussions of your facility or your employees failing an inspection. Mr. Sherrard said that when they find a violation, they are cited by the CRC at that time and have to come up with a after action plan as how to correct it. There are monetary fines and a license that can be pulled and that's why everyone goes by the rules; they do not try to circumvent the rules.

PRESENTATION

- The architect Michael Tormey entered on the record, he was sworn under oath and his credentials were accepted by the board.
- Mr. Tormey's testimony was as follows:
- The building is a two-part one-story building constructed of masonry, the exterior walls are concrete block, the roof is constructed out of a wood truss and the interior height about 1,718 feet high.
- They are not proposing any increased coverage as far as the building is concerned; there's no addition and there's no expansion of the building itself.
- The existing gate will be changed to a sliding gate. They will improve the green area in the back of the building. The parking will be resurfaced and they will consider using cool pavement technology.
- Solar plans are proposed as part of the development of the building
- They will be redoing the roof and using a white color and with that it will decrease the use of air conditioning.
- They will be planting trees such as coniferous trees which will create a buffer between the parking and the adjacent property.

BOARD QUESTIONS

- Mr. Guarino asked if the lighting in the parking lot is solar powered. Mr. Tormey said that he is not sure.
- Mr. Guarino asked if there is going to be air filtration system inside the building. Mr. Tormey said that there will be a device installed on the mechanical exhaust systems that would comply with the CRC requirements.
- Mr. Guarino asked where in the plan is the garbage storage located. Mr. Tormey said that there is a fencing enclosure with a gate that is where the trash will be placed.
- Mr. Jensen asked how many ADA spaces will be available. Mr. Tormey said that around five or six parking spaces.

PROFESSIONAL QUESTIONS

- Mr. Hess wanted to clarify that the applicant has agreed to address the engineering comments.

PUBLIC QUESTION

- Mr. John Wade at 176 Watchung Avenue asked if there is a traffic study done by the applicant. Mr. Tormey said that there is no traffic study and the reason for that is this is deemed to be a conditional use and a conditional use is functionally permitted within a within a zone.
- Megan Brill from Downton West Orange Alliance asked about the signage. Mr. Tormey said that he is not sure about the placement. Mr. Tormey referred the question to the architect Mr. Sorkin

PRESENTATION

- The CEO and founder of the business Mr. Corey Dishmen entered on the record and he was sworn under oath.
- The owner wants to reassure the neighbors that the business will not be disrupting the community and is willing to work with the neighbors so they don't feel uncomfortable with the business in their neighborhood.

NO BOARD QUESTIONS

NO PROFESSIONAL QUESTIONS

NO PUBLIC QUESTION

PRESENTATION

- The architect Mr. Ari Sorkin entered on the record, he was sworn under oath and his credentials were accepted by the board.
- Mr. Sorkin's testimony was as follows:
- The code requires a signage plan be provided under the CRC regulations for how the name has to appear and there's no specific signage regulations. The sign will not be internally illuminated so the sign will not have external illumination on.
- The word dispensary needs to be included in the signage because it is the name of the entity.
- The sign meets all the township codes in which the size is 22 inches where 24 inches is permitted.

NO BOARD QUESTIONS

PROFESSIONAL QUESTIONS

- The planning board attorney, Diana McGovern, asked if the external signage lights will have timer. Mr. Sorkin said that the exterior signage it is not illuminated.

NO PUBLIC QUESTIONS

PRESENTATION

- Tenisha Victor entered on the record and she was sworn under oath.
- She works for a company called AYR Wellness and they are essentially mentoring from and operational perspective the library on their operations and in eight different states including New Jersey and she has 10 years of cannabis experience.
- She stated that there have been only positive benefits and value added having a dispensary as a neighbor.
- The commitment of the library to being community oriented resonates deeply with their values and she is sure and confident that they'll continue to provide additional value and they will help the applicant succeed.

NO BOARD QUESTIONS

NO PROFESSIONAL QUESTIONS

PUBLIC QUESTIONS

- Mr. Peterson at Watchung Avenue asked what is Ms. Taylor affiliation with the applicant. Ms. Taylor said that they are providing operational guidance, so as a part of our social equity program at AYR Wellness they provide technical resources to a lot of these social equity applicants and as a part of that they have partnered with a lot of these dispensaries to help guide them through operationally, to help assist them in successfully launching their dispensaries and operating.

PUBLIC COMMENT*

- John Wade of Watchung Avenue would like the applicant to do a traffic study.
- Paul Peterson of Watchung Avenue believes that the addition of this business to the community will disrupt the peace around his neighborhood.

CONDITIONS

- Generator will be installed with consultation of the engineer and the zoning official as to the appropriate location and it will be shown on the site plan.
- In respect to the generator noise, data will be submitted to the Township.
- Improvement plan will be supplied.
- They will provide a lighting plan.
- Cameras will be operational 24/7.
- The applicant agrees that West Orange PD an Orange PD and police organizations can have the security film at their requests without a subpoena.
- The chain-link fence will be repaired and if it is not acceptable to the code official, it will be replaced.
- Debris in the rear will be cleaned up properly.
- The broken exterior windows will be secured to the zoning official and police chief's approval.
- The loading zone and the rear of the building will be removed and, in conjunction with the zoning officer and engineer, additional parking will be added to that section
- The parking lot will be resurfaced.
- New roof will be light color and solar panels will be installed within 12 months and if they required more time, they will have to ask for an extension to the Zoning Official.
- Right turn only sign to be added to the entrance on Mead St. for exit and they'll have to post a sign right turn only.
- Applicant shall supply and maintain storm water inlets and the control basin proposed and the Township shall have access to such inlets and basin for inspections.
- Applicant must supply soil disturbance information to the Township Engineer and if the area of disturbance is established to be greater than 5,000 sq. ft. the Applicant must supply a soil erosion and sediment plan and must obtain a soil erosion and sediment control plan certification from the Hudson Essex Passaic Soil Conservation District.
- Applicant agrees to supply the items listed in the Hess report dated August 3, 2023 as confirmed by Applicant in the attorney letter dated August 9, 2023, more specifically items relating to waivers: # 40 (Construction details), 44 (Lighting plan and details), 45 (Landscape Plan and details), and 52 (COAH compliance if applicable) and Item 15 (Turning movement plan to demonstrate that emergency vehicles, delivery vehicles and garbage trucks will be able to safely navigate the site).

- Applicant shall delete the word “Dispensary” from the exterior sign (Unless mandated by the CRC) and will also add the logo of a book with a lotus flower to the sign (Unless prohibited by the CRC).
- Except as clarified during the public hearing, the Applicant agrees to address the various engineering comments in the Hess report dated August 3, 2023.

Motion: Chairman Bagoff

Second: Mr. Jensen

Alper:	Y	Morgan:	Y
Bagoff:	Y	Smeraldo:	Y
Cardoza (Alt.2):	Y	Wilkes:	Y
Guarino:	Y	Williams:	Y
Jensen (Alt. 1):	Y		
Klein:	----		
Mayor Susan McCartney:	Y		

Meeting adjourned at 10:38PM.

ADOPTED:

Jamilet Baquerizo Vite
Acting Planning Board Secretary